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Received & Inspected
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FCC Mail Room

Brett Heather Freedson
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October 19, 2016

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Docket No. 15-190, Verizon Virginia LLC and Verizon South Inc. v. Virginia Electric and Power Company d/b/a Dominion Virginia Power

Dear Ms. Dortch:

On behalf of Dominion Virginia Power, the attached Notice of Default is filed herewith to supplement the record in the above-referenced proceeding. In its response to the pole attachment complaint now pending, Dominion demonstrated to the Commission that each of Verizon Virginia and Verizon South engaged in self-help practices violating Section 201(b) of the Communications Act.¹ These unlawful practices continue to date, and their adverse impact on Dominion is growing more acute as the parties' dispute continues. Therefore, on October 13, 2016, Dominion exercised its rights under the parties' Joint Use Agreements to declare each of Verizon Virginia and Verizon South (together, "Verizon") in default,² based on the following:

1. Failure to remit full payment for the June 8, 2015 invoice for \$4,402,724.57 from Dominion Virginia Power to Verizon Virginia for annual pole rental fees for the 2015 calendar year;
2. Failure to remit full payment for the June 8, 2015 invoice for \$1,005,519.10 from Dominion Virginia Power to Verizon South for annual pole rental fees for the 2015 calendar year;
3. Failure to remit full payment for the August 26, 2016 invoice for \$4,040,522.48 from Dominion Virginia Power to Verizon Virginia for annual pole rental fees for the 2016 calendar year; and

¹ Response to Pole Attachment Complaint of Virginia Electric and Power Company d/b/a Dominion Virginia Power, Docket No. 15-190 (filed Nov. 18, 2015) at 40.

² See General Joint-Use Agreement Between Verizon Virginia Inc. and Virginia Electric and Power Company d/b/a Dominion Virginia Power (Jan. 1, 2011) at Article 13; General Joint-Use Agreement Between Verizon South Inc. and Virginia Electric and Power Company d/b/a Dominion Virginia Power (Jan. 1, 2011) at Article 13.

4. Failure to remit full payment for the August 26, 2016 invoice for \$1,004,924.30 from Dominion Virginia Power to Verizon South for annual pole rental fees for the 2016 calendar year;
5. Failure by Verizon Virginia to indemnify and defend Dominion Virginia Power in the case styled *Washington Green No. 1, LLC v. Virginia Electric and Power Co. and Verizon Communications, Inc.*, No. CL-2016-09563 (Fairfax County, Virginia Circuit Court), as required by Articles 3.01, 3.02, 4.02 and 4.03 Joint-Use Agreement between Dominion Virginia Power and Verizon Virginia.

In total, Verizon failed to remit to Dominion annual pole rental fees due for 2015 and 2016 in the amount of **\$9,889,988.73**. Pursuant to the Joint Use Agreements, Verizon was accorded sixty (60) days within which to cure the defaults indicated above. If Verizon fails to fully cure those defaults on or before December 12, 2016, Dominion may pursue, among other remedies, termination of all pole attachment authorizations, suspension of access to Dominion's poles for all purposes, and/or denial of additional attachment requests.

Please feel free to contact the undersigned counsel at (412) 566-1912 if you have questions, or require further information.

Respectfully submitted,



Brett Heather Freedson

Dominion Virginia Power
701 East Cary Street, Richmond, VA 23219
Mailing Address: P.O. Box 26666
Richmond, VA 23261-6666
dom.com



October 13, 2016

BY FEDERAL EXPRESS AND U.S. MAIL

Verizon Virginia, Inc.
Attention: Section Manager-Joint Use and Licensing
3011 Hungary Springs Road, 2nd Floor
Richmond, VA 23228

Verizon South, Inc.
Attention: Section Manager-Joint Use and Licensing
3011 Hungary Springs Road, 2nd Floor
Richmond, VA 23228

Re: Notice of Default under the General Joint-Use Agreements between Virginia Electric and Power Company d/b/a Dominion Virginia Power and Verizon Virginia, Inc., and Verizon South, LLC

Dear Sir or Madam:

On behalf of Virginia Electric and Power Company d/b/a Dominion Virginia Power ("Dominion Virginia Power"), I am providing this Notice of Default pursuant to Article 13 of the General Joint-Use Agreements between Verizon Virginia, Inc. ("Verizon Virginia") and Verizon South, LLC ("Verizon South"), (collectively, "Verizon") dated January 1, 2011.

The defaults include:

1. Failure to remit full payment for the June 8, 2015 invoice for \$4,402,724.57 from Dominion Virginia Power to Verizon Virginia for annual pole rental fees for the 2015 calendar year;
2. Failure to remit full payment for the June 8, 2015 invoice for \$1,005,519.10 from Dominion Virginia Power to Verizon South for annual pole rental fees for the 2015 calendar year;
3. Failure to remit full payment for the August 26, 2016 invoice for \$1,004,924.30 from Dominion Virginia Power to Verizon South for annual pole rental fees for the 2016 calendar year;

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4. Failure to remit full payment for the August 26, 2016 invoice for \$4,040,522.48 from Dominion Virginia Power to Verizon Virginia for annual pole rental fees for the 2016 calendar year; and
5. Failure by Verizon Virginia to indemnify and defend Dominion Virginia Power in the case styled *Washington Green No. 1, LLC v. Virginia Electric and Power Co. and Verizon Communications, Inc.*, No. CL-2016-09563 (Fairfax County, Virginia Circuit Court), as required by Articles 3.01, 3.02, 4.02 and 4.03 General Joint-Use Agreement between Dominion Virginia Power and Verizon Virginia.

Pursuant to Article 13.03 of the General Joint-Use Agreements, Verizon must cure the above defaults within sixty (60) days.

Dominion reserves all rights and remedies pursuant to law, equity, contract, statute and common law, including but not limited to Dominion's rights under Article 13.04(a)-(c) of the General Joint-Use Agreements. Thank you for your attention to this matter.

Sincerely,



Anthony Barni

Manager Electric Distribution Design
Dominion

cc:

General Counsel (via Federal Express and U.S. Mail)
Verizon Services Corporation
One Verizon Way, 4th Floor
Basking Ridge, NJ 07920

Horace P. Payne, Esquire (via electronic mail)

